## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POLAROID CORPORATION	) ) )
Plaintiff,	)
v.	) C.A. No. 06-738 (SLR)
HEWLETT-PACKARD COMPANY,	) ) )
Defendant.	) ) )

# POLAROID CORPORATION'S MOTION TO PREVENT HEWLETT-PACKARD COMPANY FROM USING PRIVILEGE AS BOTH A SWORD AND A SHIELD

Plaintiff Polaroid Corporation ("Polaroid") hereby moves the Court to order that Defendant Hewlett-Packard Company ("HP") cannot use privilege as both a sword and a shield, and accordingly to order HP to produce documents within the subject matter of HP's recent waiver, namely those relating to the '381 patent and the parties' licensing discussions, that have been withheld as privileged, as set forth more fully in Polaroid's opening brief, filed herewith.

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June 5, 2008 <sub>2355447</sub>

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## **RULE 7.1.1 CERTIFICATION**

I hereby certify that the subject of the foregoing motion has been raised with counsel for the defendant, and the parties have not been able to reach agreement.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

#### **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on June 5, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

William J. Marsden, Jr. FISH & RICHARDSON P.C.

I also certify that copies were caused to be served on June 5, 2008 upon the following in the manner indicated:

### **BY E-MAIL**

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